



Meeting No. 7 – Scheduled Meeting	Meeting Date October 13, 2009			
Meeting Time 4:30 – 6:00 p.m.	Recorded By N. Briley			
Attendees: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> Current Members: Amin Almuti Elmo Wedderburn James Zumwalt </td> <td style="width: 33%; vertical-align: top;"> Alternates: Bob Barksdale Lawrence Donovan William Kaplan Guy Miller Claudia Spencer </td> <td style="width: 33%; vertical-align: top;"> Staff: Naomi Briley Tom Horton Molly McArthur </td> </tr> </table>		Current Members: Amin Almuti Elmo Wedderburn James Zumwalt	Alternates: Bob Barksdale Lawrence Donovan William Kaplan Guy Miller Claudia Spencer	Staff: Naomi Briley Tom Horton Molly McArthur
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Agenda Item	Action Taken			
<i>Welcome & Introduction</i>	Introduction of Members, Alternates, and Staff present.			
<i>Public Comment</i>	No comments.			
<i>Review of Administrative Matters</i>	The COC reviewed the minutes from the July 14, 2009 meeting. A member noted that on page 5, it should read “a few,” not “one” ...”contractors be responsible for the entire contract...” Staff noted that they would make correction and email to COC members to approve before posting to BART website.			
<i>Bond Investment Report</i>	<p>Scott Schroeder, BART Controller Treasurer, provided the Committee with a summary of the quarterly financial report.</p> <p>A COC member asked if there had been any significant changes in the report since it was last presented.</p> <p>Staff noted that there were not any significant changes.</p>			



	<p>A member asked if the interest from investments is invested in the same pool or a different pool.</p> <p>Staff noted that the question would be forwarded to S. Schroeder and presented to members at the next meeting.</p>
<p><i>COC Committee Report to BART Board</i></p>	<p>Staff gave a summary of COC Chair H. Andy Franklin's presentation to BART Board: M. McArthur stated that the Board commended efforts made by COC Chair and COC members. BART Board was gratified by the committee's efforts and the presentation of the report was well received.</p>
<p><i>COC Recruitment 2010-2012</i></p>	<p>Staff explained that BART will soon be looking for new members to join the COC for the 2010-2012 term.</p> <p>Staff explained that current members and alternates are encouraged to apply for the same seat, or for another seat. Members are allowed to serve two consecutive terms. Those members who have served two terms may still apply for an alternate seat. Staff requested that those members who are not interested in serving again think about other friends or colleagues to recommend to staff.</p> <p>Staff noted that an email or letter is scheduled to go out to members in the next few weeks asking for their interest levels in serving on the COC again. Staff asked members to take the next few weeks to consider re-application to the Committee.</p>



	<p>A member asked how long the term would last.</p> <p>Staff replied that the term may last two years, or until the end of the ESP program in 2013, depending on what the BART Board of Directors decides.</p>
<i>Project Updates</i>	<p>Project staff gave an overview of project progress to date:</p> <p>Project staff noted very little change in design.</p> <p>A member asked if “design” included preliminary engineering or final design.</p> <p>Project staff replied that “design” refers to both preliminary engineering and final design.</p> <p>A member asked what the processing was like through the Feds and Caltrans.</p> <p>Staff replied that contract has to get the right - of - way and certification completed, and then the contract must make a funds request.</p> <p>A member asked if the state furloughs are affecting the ESP schedule.</p> <p>Staff replied that the furloughs did sometimes affect the ESP schedule.</p> <p>Staff stated that the 4th Street Storage Building contract and West</p>



	<p>Oakland Aerials contract are on schedule to go to the BART Board next week. The MUNI /Underground contract, which includes the MUNI Church Street Station, MacArthur Station and Lake Merritt Station, was completed on schedule and closed at minus 4% cost growth. The Yard and Shops contract is in procurement but set to be released very soon. Rockridge Station and West Oakland Station are currently in construction. Two locations in the Transbay Tube contract between Oakland and San Francisco are still being analyzed: one near the port of Oakland, and the other near Yerba Buena Island. The ESP is still looking into whether or not these two locations really need a retrofit.</p>
<i>Financial Report</i>	<p>Project Staff explained Financial Report:</p> <p>The current expended budget is \$170,286,574. The program funding amounts have changed but overall forecast remains at \$980 million. Some funds such as the Regional Measure 2 Funds were reduced.</p> <p>A member asked: "What is the chance of any other funds being reduced?"</p> <p>Staff replied: "The only funding source with associated risk is Caltrans because of current state and federal circumstances, they are not sure if they will be able to fund."</p> <p>A member asked about how the State Transportation Improvement</p>

Program (STIP) money was added

Staff replied that the STIP money was a swap for Regional Measure 2 money.

A member asked about the likelihood of the STIP money being reduced.

Staff answered that it is very unlikely that the STIP money will be reduced. If the money is not spent it will expire, and MTC has no other current projects ready to use the funds.

A member asked: "The worst case scenario is that Caltrans says that \$134 million is not available?"

Staff replied: "Even if this happened we would still have sufficient bond money in the reserves to make up for it. "

A member asked: "When looking at Environmental, Engineering and Construction Management, how sure are you of the \$216 million, since it has almost doubled since baseline?"

Staff replied: "\$186 million is the maximum amount that they can spend; the other \$30 million is environmental, which is already done. Construction management accounts for around \$20 million."

A member asked who the current Construction Management Firms (CMs) were.

Staff replied that the current CMs are Aecom, The Allen Group, Jacobs URS and PGH Wong.

A member asked: "Who do they report to?"

Staff replied: "The CMs report to BART."

A member asked if there could be any advantage to adding an operability subsection.

Staff replied that the operability and life safety are broken out into separate contracts. For instance, R Line is split into two separate contracts.

A member asked: "What have you discussed as far as strategies for accelerating operability?"

Staff replied: "The problem is that the issues are not on the engineering side, they are on right-of-way and funding side."

A member asked: "How about an early start date?"

Staff replied: "On current construction we have done this to keep



	<p>contractors on schedule. When a contractor fell behind, we went to those in charge of parking and we were able to increase work space, so contractors could work on other sections in the meantime, rather than falling behind.”</p>
<p><i>New Business Items</i></p>	<p>A member asked if the next COC term would last 2 years, or 3 years, since the ESP program is expected to end in 2013.</p> <p>Staff replied that even though the anticipated construction completion date is 2013, it may go on until 2014. The BART Board will make the decision of the term length if the ESP program does in fact end in 2013.</p> <p>A member asked: “Who will audit the project at its completion?”</p> <p>Staff responded that Terry Green will audit the report for the committee.</p> <p>A member asked for information regarding project management: “In light of audit report and suggestions, we would like to ask if staff would provide more details on project management decisions. What is the process? Who makes the decisions? How? We would also like to see an organizational chart on stakeholders. We need an understanding of review and approach process, periodic bid reports, change orders, etc.”</p> <p>Staff replied that information would be gathered for the next COC</p>



	meeting.
<i>Selection of Future Meeting Time and Date</i>	The next meeting was scheduled for Wednesday, January 27, 2010 and later rescheduled for January 20, 2010.
<i>Public Comment</i>	No public comment.
<i>Adjournment</i>	The meeting was adjourned at approximately 6:00 p.m.